

SENTENCING COURTROOM MINUTE SHEET

DATE 8/7/2013

(Non-Evidentiary)

CR. CASE NO. CR-12-295-M U.S.A. -v- Brian William Johnson

COMMENCED 3:10 p.m. ENDED 3:55 p.m. TOTAL TIME: hour(s) 45 mins

JUDGE Vicki Miles-LaGrange DEPUTY Kathy Spaulding REPORTER Lynn Lee (609-5403)

Plf Counsel: David Petermann Dft Counsel: Kevin Krah, John Krah (retained)

Probation Officer: Kali Funderburk Interpreter: N/A (☐ Interpreter's oath given)

SENTENCING MINUTE: Dft appears in person with counsel. PSR reviewed by govt's cnsl, dft's cnsl and defendant. No objections to Presentence Report.

☒ **Count two of the Indictment** dismissed upon motion of the gov't

Defendant is sentenced to the custody of the Bureau of Prisons for a term of 40 month(s).
Upon expiration of sentence imposed herein, dft shall serve a term of supervised release of 3 years.

Defendant to abide by following conditions of supervised release:

- ☒ Within 72 hours of release from custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released.
- ☒ The defendant shall comply with the standard conditions of supervision adopted by this Court and shall not possess a firearm or other destructive device and shall cooperate in the collection of DNA, as directed by law.

SPECIAL CONDITIONS:

- ☒ The Court is not imposing community service
- ☒ The defendant shall comply with the standard financial conditions adopted by the court.
- ☒ The defendant must submit to a search of his person, property, or any automobile under his control to be conducted in a reasonable manner and at a reasonable time, for the purpose of detecting controlled substances, controlled substance analogues, drug paraphernalia, or evidence of drug trafficking activity at the direction of the probation officer upon reasonable suspicion. Further, the defendant must inform any residents that the premises may be subject to a search.
- ☒ The defendant shall participate in a program of substance abuse aftercare at the direction of the probation officer to include urine, breath, or sweat patch testing; and outpatient treatment. The defendant shall totally abstain from the use of alcohol and other intoxicants both during and after completion of any treatment program. The defendant shall not frequent bars, clubs, or other establishments where alcohol is the main business. The court may order that the defendant contribute to the cost of services rendered (copayment) in an amount to be determined by the probation officer based on the defendant's ability to pay.
- ☒ The defendant shall participate in a program of mental health aftercare at the direction of the probation officer. The court may order that the defendant contribute to the cost of services rendered (copayment) in an amount to be determined by the probation officer based on the defendant's ability to pay.

- ☒ Fine waived due to dft's inability to pay a fine.
- ☒ Defendant Ordered to pay special assessment of \$100.00 due immediately.
- ☒ Defendant is advised of right to appeal.
- ☒ Court recommends that the dft be incarcerated at a facility as close to Flower Mound, TX (Dallas area) as possible.
- ☒ Court recommends that dft participate in the Inmate Financial Responsibility program, while incarcerated, at a rate determined by Bureau of Prisons staff in accordance with the requirements of the Inmate Financial Responsibility program.
- ☒ The Court recommends that dft participate in the Residential Drug Abuse Program (RDAP) while incarcerated, if eligible.
- ☒ The defendant is REMANDED to the custody of the U.S. Marshal